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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------------|
| 10/015,660 | 12/17/2001 | Hiroyasu Fujiwara | 1046.1264 | 8518 |
| 21171 | 7590 | 06/22/2006 | EXAMINER | GEBRESILASSIE, KIBROM K |
| STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | ART UNIT | PAPER NUMBER |
| | | | 2128 | |

DATE MAILED: 06/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/015,660 | FUJIWARA ET AL. | |
| | Examiner | Art Unit | |
| | Kibrom K. Gebresilassie | 2128 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 March 2006 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 10/015,660.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is responsive to the amended application filed on March 20, 2006.
2. Claims 1-15 have been examined and rejected.

Response to Arguments

3. Regarding Applicants response to priority objection: The examiner withdraws the objection to the benefit of priority claimed in view of applicants argument filed March 20, 2006. It is therefore claimed for the benefit of priority is acknowledged.
4. Regarding Applicants response to the drawing objections: Applicants labeled Figure 1 and 2 as "Prior Art" to over come the examiner objection and replaced with new Drawing Sheets. According, the objection is withdrawn.

Regarding applicants response to 102 rejection: Applicant's arguments, filed March 20, 2006, with respect to the rejection(s) of claim(s) 1, 2, 6, 7, 11, and 12 under 102(b) have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent No. 6,049,787 issued to Takahashi et al.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
6. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shigeki Umeda, and Albert Jones, "An Integration Test-Bed System for Supply Chain Management", Proceeding of the 1998 Winter Simulation Conference, pp. 1377-1385, 11/12/1998, herein referred as Umeda, in view of US Patent No. 6,049,787 issued to Takahashi et al., herein referred as Takahashi.

As per Claim 1:

Umeda discloses a readable-by-computer recording medium recorded with a program read by a computer to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said organizations (Abstract), which executes: inputting the communication data sent from a first organization to a second organization (page 1381 left side column, under a title "3.2 Virtual Suppliers Manager" paragraph 4 lines 1-7); simulating a first intra-organization procedure executed in said first organization when sending the communication data (page 1380 left side column, the whole paragraph of the line starting with "The "chain" simulation constructs ..."); and recording first data generated by the first intra-

organization procedure (page 1379 left side column under a title "The demand data driver" lines 1-4).

Umeda fails expressly to disclose at least a contract term, an article price, and an article.

Takahashi discloses at least a contract term, an article price, and an article (col. 5 lines 39-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Umeda related to an integration test-bed system for supply chain management, which forms the foundation for the construction of a valued manufacturing chain with the teachings of Takahashi related to an electronic business transaction system for exchanging information of business transactions via a communication network. The motivation for doing so would have been more convenient to manage, in an environment in which databases including cases of respective information source firms are distributively arranged, statuses of transmission of cases related to respective information receiver firms in a centralized and concentrated manner to avoid occurrence of business trouble (col. 2 lines 22-27). Hence a skilled artisan having access to the teaching of Umeda and Takahashi would have knowingly modified the teaching of Umeda with Takahashi.

As per Claim 2:

Umeda discloses a readable-by-computer recording medium recorded with a program read by a computer to manage data generated by a plurality of organizations on the basis of communication data transferred and received between said

organizations (Abstract), which executes: inputting the communication data sent from a first organization to a second organization (page 1379 left side column, number 1, number 2, and number 3); detecting reply data to the communication data sent to said first organization from said second organization (page 1380 right side column, lines 1-9); simulating an intra-organization procedure executed in said second organization when sending the communication data (page 1380 right side column, second paragraph); and recording data generated by the intra-organization procedure (page 1379 left side column under a title "The suppliers data driver" lines 1-6).

Umeda fails expressly to disclose at least a contract term, an article price, and an article.

Takahashi discloses at least a contract term, an article price, and an article (col. 5 lines 39-48).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Umeda related to an integration test-bed system for supply chain management, which forms the foundation for the construction of a valued manufacturing chain with the teachings of Takahashi related to an electronic business transaction system for exchanging information of business transactions via a communication network. The motivation for doing so would have been more convenient to manage, in an environment in which databases including cases of respective information source firms are distributively arranged, statuses of transmission of cases related to respective information receiver firms in a centralized and concentrated manner to avoid occurrence of business trouble (col. 2 lines 22-27).

Hence a skilled artisan having access to the teaching of Umeda and Takahashi would have knowingly modified the teaching of Umeda with Takahashi.

As per Claim 3:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 1, wherein said computer further executes: detecting reply data to the communication data sent to said first organization from said second organization (page 1380 right side column, lines 1-9); simulating a second intra-organization procedure executed in said second organization when sending the communication data (page 1380 right side column, second paragraph); and recording second data generated by the second intra-organization procedure (page 1379 left side column under a title "The production data driver" lines 1-3).

As per Claim 4:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes comparing the first data with the second data, and detects difference data between the organizations (page 1381 right side column, a paragraph starting with "We have also stated..." lines 1-14)

As per Claim 5:

Umeda discloses a readable-by-computer recording medium recorded with a program according to claim 3, wherein said computer further executes coupling the first data and the second data together, and tracks the procedures executed between the organizations (page 1381 left side column, under a title "3.2 Virtual Suppliers Manager")

paragraph 4).

As per Claims 6 and 11:

The limitations of claims 6 and 11 have already been discussed in the rejection of claim 1. They are therefore rejected under the same rationale.

As per Claims 7 and 12:

The limitations of claims 7 and 12 have already been discussed in the rejection of claim 2. They are therefore rejected under the same rationale.

As per Claims 8 and 13:

The limitations of claims 8 and 13 have already been discussed in the rejection of claim 3. They are therefore rejected under the same rationale.

As per Claims 9 and 14:

The limitations of claims 9 and 14 have already been discussed in the rejection of claim 4. They are therefore rejected under the same rationale.

As per Claims 10 and 15:

The limitations of claims 10 and 15 have already been discussed in the rejection of claim 5. They are therefore rejected under the same rationale.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

*Peter Fingar, "Component-Based Frameworks for E-COMMERCE",
communication of the ACM, vol. 43, no. 10, pp 61-66, October 2000.*

George Archibald, Nejat Karabakal, and Paul Karlsson, "Supply Chain vs. Supply Chain: Using Simulation to Complete beyond the Four Walls", Proceeding of the 1999 Winter Simulation Conference, pp 1207-1214.

Susan Helper, and John Paul MacDuffie, "E-volving the Auto Industry: E-Commerce Effects on Consumer And Supplier Relationships", The Wharton School University of Pennsylvania, pp 1-50, April 24, 2000.
US Patent No. 5,794,207 issued to Walker et al.

9. Any inquiring concerning this communication or earlier communication from the examiner should be directed to Kibrom K. Gebresilassie whose telephone number is (571) 272-8571. The examiner can normally be reached on Monday-Friday, 8:30 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Kamini shah can be reached at (571) 272-2279. The official fax number is (571) 273-8300. Any inquiring of a general nature relating to the status of this application should be directed to the group receptionist whose telephone number is (571) 272-3700.

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